

STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF SULLIVAN    )

IN THE SULLIVAN SUPERIOR COURT  
2009 TERM  
CAUSE NO. 77D01-0906-MI-00247

OSCAR GUILLEN, SR.,       )  
    Plaintiff                )  
                                  )  
    VS.                        )  
                                  )  
STEFANIE SARK, et. al.,    )  
    Defendants                 )

**FILED**  
IN SUPERIOR COURT

JUL - 6 2009

*[Signature]*  
Clerk, Sullivan Superior Court

**ORDER**

Pursuant to I.C. 34-58-1-1, this Court has examined Plaintiff's Complaint and has determined, pursuant to I.C. 34-58-1-2, that the claim is frivolous in that it does not have an arguable basis in the law and may not state a claim upon which relief may be granted for the following reasons:

1. The Court finds Plaintiff has failed to allege facts sufficient to prosecute this action against several of the named Defendants in his CIVIL RIGHTS COMPLAINT pursuant to I.C. 34-13-3-5(c).
2. The Plaintiff has not provided proof he has exhausted all of his administrative remedies before filing this cause of action. Plaintiff must provide written documentary proof he completed all steps of the prison grievance process before he can file his PRISONER COMPLAINT.
3. Any named Defendant that is a state employee acting in the course of their official duties would be immune to liability for damages incurred as a result of constitutional violations.
4. Further, Plaintiff's CIVIL RIGHTS COMPLAINT is very difficult to read and decipher why he has named several of the Defendants. Further, his CIVIL RIGHTS COMPLAINT fails to allege specific dates as to when all the alleged constitutional violations occurred which the Court must consider to determine if the Plaintiff has met the applicable the statute of limitations.
5. The Plaintiff did not provide copies of his CIVIL RIGHTS COMPLAINT for service on the named Defendants.

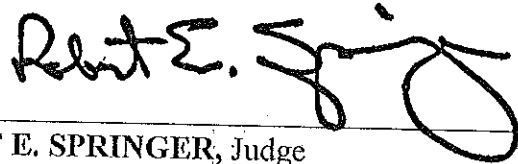
Based on the foregoing, the Plaintiff's PRISONER COMPLAINT is dismissed with prejudice.



SO RECOMMENDED this 6<sup>th</sup> day of July, 2009.

  
ANN SMITH MISCHLER, Magistrate  
Sullivan Superior Court

SO ORDERED this 6<sup>th</sup> day of July, 2009.

  
ROBERT E. SPRINGER, Judge  
Sullivan Superior Court

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